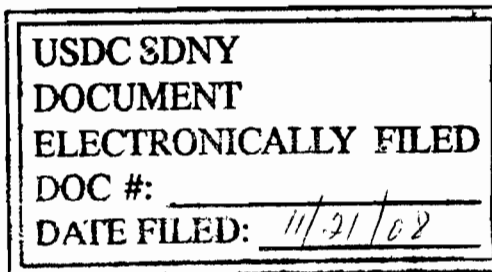


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- x
JAMES RATTOBALLI,

Plaintiff,

- against -

UNITED STATES OF AMERICA,

Defendant.
----- x

:
: 08 Civ. 8107 (TPG)

: **OPINION**

Defendant has filed a motion under 28 U.S.C. § 2255. The Government has responded.

By letter dated November 19, 2008 counsel for defendant has asked for three weeks to file a reply, and has asked for an adjournment of defendant's surrender date.

Defendant may have the three weeks for the reply. However, the request regarding the surrender date is denied for the following reasons.

A conference was held in this case on October 8, 2008 to deal with certain issues, including a surrender date. At the conclusion of the conference, counsel for defendant agreed that the date for surrender need not be postponed until the conclusion of the proceedings regarding the § 2255 motion. The court then ordered the surrender to take place on December 1, 2008.

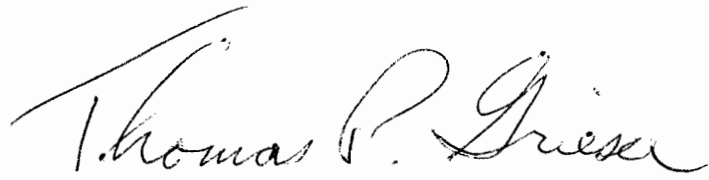
The current request for a postponement is obviously based on the idea that the surrender should not take place until the § 2255 motion is briefed

-2-

and dealt with. This is contrary to what was agreed to at the October 8 conference. The court believes that the December 1 date should be adhered to.

SO ORDERED.

Dated: New York, New York
November 21, 2008

A handwritten signature in black ink, reading "Thomas P. Griesa". The signature is written in a cursive style with a large, sweeping initial "T".

THOMAS P. GRIESA
U.S.D.J.